

United States District Court

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

DONALD R. LEMOND

CASE NUMBER: 06-M- 4153

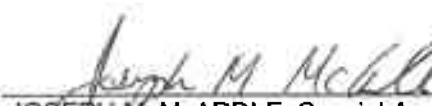
I, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief.

Between on or about October 16, 2006 and December 11, 2006, in the Western District of New York and elsewhere, the defendant did use an interstate facility to attempt to persuade, induce or entice another individual under 18 years of age to engage in any sexual activity for which the person could be charged with a criminal offense, in violation of Title 18, United States Code, Section 2422(b).

I further state that I am a Special Agent with the Federal Bureau of Investigation and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: (✓) Yes () No


JOSEPH M. McARDLE, Special Agent, FBI
Signature of Complainant

Sworn to before me and subscribed in my presence,

December 13, 2006 at
Date

Rochester, New York
City and State

HON. MARIAN W. PAYSON, USMJ
Name & Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK }
COUNTY OF MONROE }
CITY OF ROCHESTER }

I, Joseph M. McArdle, having been first duly sworn, do hereby depose and state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI). I have been a Special Agent for over two years. I am currently assigned to investigations involving crimes against children, as well as other criminal investigations. Additionally, I have received specialized training related to crimes against children.

2. I make this affidavit in support of a criminal complaint charging Donald Lemond (year of birth of 1957) with a violation of Title 18, United States Code, Section 2422(b), which prohibits a person from utilizing a facility and means of interstate or foreign commerce to persuade, induce or entice a minor to engage in any sexual activity for which any person can be charged with a crime, or to attempt to do so.

DETAILS OF INVESTIGATION

3. On October 16, 2006, A Monroe County Sheriff's Office (MCSO) Deputy was working online in an undercover capacity on the Internet in a regional Yahoo chat room titled "New York:9". While in the chat room, the MCSO Deputy assumed the identity of a 14 year old girl. At no time did the MCSO Deputy initiate a chat conversation in the aforementioned Yahoo chat room or any other chat room.

4. At approximately 7:32 p.m. on October 16, 2006, a user with the screen name of "litfun7" initiated a chat with the MCSO Deputy via Yahoo Instant Messenger. Yahoo Instant Messenger is a common instant messaging program that allows individuals to communicate with each other over the Internet in real time. During this initial contact, litfun7 identified himself as being a 49 year old male.

5. From October 16, 2006 to November 27, 2006, the MCSO Deputy chatted online via Yahoo Instant Messenger with litfun7 on 18 separate dates. On numerous dates, multiple chat conversations took place during different times of the same day. On multiple occasions, litfun7 acknowledged that he believed he was communicating with a 14 year old female.

6. During these chats, litfun7 made numerous sexually explicit comments to the MCSO Deputy posing as a 14 year old girl. Many of the chats focused on what litfun7 wanted to do sexually with the MCSO Deputy and serve as clear depictions of how litfun7 was attempting to persuade and entice the MCSO Deputy into first talking about sex and subsequently into having physical sexual contact.

7. The following paragraphs provide a synopsis of chat communications between the MCSO Deputy and litfun7.

8. As disclosed above, on October 16, 2006 at approximately 1932 hours, a user with the screen name of litfun7 initiated a chat with the MCSO Deputy by typing "hello,49-m-cny", implying that litfun7 is a 49 year old male from central New York. The MCSO Deputy responded by typing, "hi 14f ny", implying that the MCSO Deputy is a 14 year old female from New York.

Litfun7 then replied, "very cute,,didn't know you were that young." The MCSO Deputy asked if litfun7 was in the chat room and litfun7 responded by saying that he was and still is. Litfun7 asked, "what brings you to Yahoo," to which the MCSO Deputy responded, "I was jst lookin at pros (profiles) an stuff." Litfun7 then asked where the MCSO Deputy was located and when litfun7 was told "Rochster", he stated that he comes to Rochester for business "a lot". Litfun7 told the MCSO Deputy that he is in Syracuse.

9. Litfun7 asked what kind of "stuff" the MCSO Deputy was looking for in the chat rooms, what the MCSO Deputy likes to do for fun, and if the MCSO Deputy was "into boys". Litfun7 followed with "I be chasing you around if I were your age..." He then asked if the MCSO Deputy chats "with very many men on here" and stated that his name is Donald. Litfun7 asked if the MCSO Deputy could see his picture and the MCSO Deputy responded positively. An image of a white, adult male wearing eyeglasses and seated in a red cloth chair wearing a blue coat was visible in the avatar window (an avatar is an Internet user's representation of themselves, often pictures of themselves, used by Internet forums and chat programs). At approximately 1952 hours, litfun7 told the MCSO Deputy, "hope you don't think I'm some kind of pervert,,talking to you." Litfun7 asked what grade the MCSO Deputy is in at approximately 1959 hours and the MCSO Deputy replied by saying the 9th grade. At approximately 2015 hours, litfun7 asked to add the MCSO Deputy to his buddy list. The MCSO Deputy agreed and litfun7 attempted to do so but was unable to due to apparent computer error. Litfun7 then told the MCSO Deputy, "you can add me too if you like." The MCSO Deputy agreed and did so. This chat ended at approximately 2027 hours.

10. On October 19, 2006 at approximately 1639 hours, litfun7 initiated a chat dialogue with the MCSO Deputy by typing "hey there". The MCSO Deputy responded "hihi" "watcha doin". Litfun7 told the MCSO Deputy that he had just returned from a road trip. At approximately 1652 hours, litfun7 asked if the MCSO Deputy has a boyfriend and stated that the MCSO Deputy is very cute. Litfun7 told the MCSO Deputy that he has been married for almost 27 years. Litfun7 also told the MCSO Deputy that he has 2 dogs, 1 cat, a bird, and fish. He then told the MCSO Deputy that he has a pool at his home and that he had recently sold a rock "crusher" on Buffalo road in the Town of Gates through his employment. This chat ended at approximately 1744 hours. At approximately 1926 hours on October 19, 2006, litfun7 initiated a second chat with the MCSO Deputy by typing "hi." Litfun7 chatted with the MCSO Deputy about his snowmobile and told the MCSO Deputy at approximately 1941 hours, "maybe someday...i'll come out there with mty slad," "sled*. This chat ended at approximately 2002 hours.

11. On October 23, 2006 at approximately 1652 hours, litfun7 initiated a chat with the MCSO Deputy by typing "hello,." At approximately 1954 hours, litfun7 continued the previous chat by typing "hello, again". At approximately 2028 hours, litfun7 asked for the MCSO Deputy's height and weight. Litfun7 told the MCSO Deputy that he enjoys hunting and fishing and that he owns a "four wheeler" and a small fishing boat. This chat ended at approximately 2048 hours.

12: On October 24, 2006 at approximately 1751 hours, litfun7 initiated a chat dialogue with the MCSO Deputy by typing "hi you there". The MCSO Deputy responded to this at approximately 1820 hours by typing "hiii u her(here)?" Litfun7 again responded at approximately 1850 hours with, "hey there." Litfun7 told the MCSO Deputy that he would be traveling to Pittsburgh on October 25 for his employment as well as South Carolina in the near future. At approximately 1924 hours while chatting about the cost of seeing a movie, litfun7 told the MCSO Deputy, "guess it will have to be my treat..lol." The MCSO Deputy clarified by asking, "lol will u c a scary 1 wit me?" Litfun7 responded with, "lol,,,,sure." Litfun7 told The MCSO Deputy that he drives a Ford F150 pick up truck. At approximately 2029 hours litfun7 asked the MCSO Deputy, "your age again?" The MCSO Deputy responded with "14". Shortly thereafter, litfun7 stated, "just don't want you to think I'm one of those guys looking to hook up with younger girl." Litfun7 then referenced seeing this kind of thing on TV. When the MCSO Deputy told litfun7 that the MCSO Deputy's "mother" and "Aunt" are unaware that the MCSO Deputy was chatting with him, he responded with, "must stay that way." The MCSO Deputy then asked, "do u wnt me 2 leav u alon or sumthin?" Litfun7 responded by saying "no,,,,." At approximately 2050 hours, the MCSO Deputy told litfun7 that the MCSO Deputy has gone to the local mall before without the knowledge of the MCSO Deputy's "mother." Litfun7 asked if the MCSO Deputy does that a lot and then asked which mall. At approximately 2055 hours litfun7 stated, "maybe someday I'll meet you there and get you that hat and mittens." This was in reference to an earlier chat in which the MCSO Deputy spoke about an interest in purchasing a new hat and mittens. The MCSO Deputy offered in return to get litfun7 a "turtle" ice cream. This chat ended at approximately 2102 hours.

13. On October 30, 2006 at approximately 1821 hours, litfun7 initiated a chat dialogue with the MCSO Deputy by typing "well hi there". The MCSO Deputy responded, "hiiii." Litfun7 subsequently told the MCSO Deputy that he has a 40 gallon fish tank in his home at approximately 1836 hours. At approximately 1927 hours, litfun7 asked if the MCSO Deputy would be off from school during the coming Thanksgiving holiday. Upon learning that the MCSO Deputy would be off, litfun7 replied with, "maybe we could meet for lunch at the mall." Later in the chat, litfun7 encouraged the MCSO Deputy to think about things that they could do together when they meet. Litfun7 then went on to ask if the MCSO Deputy is ticklish and when the MCSO Deputy replied with a positive response to the question, litfun7 responded by typing "mmmmmmmmmm...gets me to thinking." This chat ended at approximately 1917 hours.

14. On October 31, 2006 at approximately 1631 hours, the MCSO Deputy sent an offline message (a message that is not received by the intended user until that user logs on) to litfun7 telling him that the MCSO Deputy could not chat late due to Halloween. At approximately 1719 hours, litfun7 responded to the MCSO Deputy's message by typing "hi". Litfun7 offered the MCSO Deputy a hug at approximately 1726 hours to keep the MCSO Deputy from being cold. At approximately 1754 hours, while chatting with the MCSO Deputy about going to the mall, litfun7 stated, "let see what happens in the future." The MCSO Deputy asked, "watcha mean?" to which litfun7 replied, "meet up and do that movie," "or sumthing." Litfun7 followed with, "if you don't mined bein seen with older man." Litfun7 then told the MCSO

Deputy that he is 49 years old. At approximately 1809 hours, litfun7 told the MCSO Deputy, "all boys want is sex...lol." Litfun7 went on to say that boys the MCSO Deputy's age "don't know how to make it feel good" and that the MCSO Deputy should "wait for the right one" to learn together. The MCSO Deputy chatted briefly with litfun7 about sex at this time and told litfun7 "I jst wonder wat its lik an stuff I gess". Litfun7 told the MCSO Deputy at approximately 1823 hours, "if I can help feel free to ask." At 1847 hours, litfun7 told the MCSO Deputy to keep their conversation to themselves. Litfun7 then told The MCSO Deputy, "you get in trouble go to jail...lol." Litfun7 asked if the MCSO Deputy knew how to delete the chat messages. This chat ended at approximately 1856 hours.

15. On November 3, 2006 at approximately 1945 hours, litfun7 initiated a chat dialogue with the MCSO Deputy by typing "hi". The MCSO Deputy responded "hiiii" and litfun7 followed with, "you miss me...lol." At approximately 2010 hours, the MCSO Deputy told litfun7 that the MCSO Deputy enjoyed hiking. Litfun7 responded by saying, "maybe someday in the spring we could do it." Litfun7 followed with, "would say do it now but your not into the cold weather." Litfun7 then told the MCSO Deputy at approximately 2013 hours, "you need to run naked in a snow storm nothing like it...lol." At approximately 2018 hours, he asked when the MCSO Deputy's birthday was and said to the MCSO Deputy, "ok...coming up and you'll be 15." The MCSO Deputy confirmed this. At approximately 2019 hours litfun7 told The MCSO Deputy his birthdate. At approximately 2030 hours, litfun7 told the MCSO Deputy, "think you need to get out of the house..." and continued with, "shame I'm not 30 years younger...lol". At approximately 2036 hours, litfun7 asked, "what else would you like to learn." litfun7 soon asked, "nothing coming to mind that you would like

to try first?" Litfun7 also stated, "if I can help you get over be shy...feel free to ask away." The MCSO Deputy told litfun7 that there were some things that the MCSO Deputy would like to learn and litfun7 responded with, "this about sex...?" The MCSO Deputy responded, "stuf lik that yea."

16. On November 7, 2006 at approximately 1624 hours, litfun7 initiated a chat with the MCSO Deputy by typing, "hi there(smiley face)." The MCSO Deputy responded, "hiiiiiii(smiley face)." Litfun7 told the MCSO Deputy at approximately 1634 hours that he was getting a laptop for work, which will enable him to chat while he is at work or away (litfun7 indicates in subsequent chat sessions that he was not able to get a lap top). At approximately 1638 hours, the MCSO Deputy reminded litfun7 that the MCSO Deputy is under 16 years of age. Litfun7 subsequently told The MCSO Deputy that he is 5'10" tall. In referring to the MCSO physical size, litfun7 commented, "easier to get your arms around...lol." At approximately 1647 hours litfun7 told the MCSO Deputy, "...maybe some day we can get to meet." This chat ended at approximately 1718 hours. At approximately 1830 hours, litfun7 initiated another chat dialogue with the MCSO Deputy by typing, "hi,.." litfun7 told the MCSO Deputy that he was trying to lose weight and as of the current chat he weighs 174 pounds. Litfun7 asked if the MCSO Deputy goes into chat rooms much and reminded the MCSO Deputy that that's where they met. Litfun7 told the MCSO Deputy at approximately 1903 hours that he "should come over and tickle" the MCSO Deputy. At approximately 1925 hours, litfun7 asked if the MCSO Deputy had any questions that he could answer. When the MCSO Deputy's response indicated that the MCSO

Deputy did not know what to ask about, litfun7 stated, "understand...shy to talk about sex." The MCSO Deputy told litfun7, "I (the MCSO Deputy) wondr wat its lik sumtimes." Litfun7 asked how the MCSO Deputy would feel standing naked in a room and when the MCSO Deputy stated that the MCSO Deputy would be shy, litfun7 stated, "so we just have to get you past the first time...lol." litfun7 exchanged many "hugging" and "kissing" emoticons (smiley face graphics depicting certain emotions) during this chat and continued to do so in future chats. At approximately 2036 hours, litfun7 asked the MCSO Deputy, "so you checked out my profile." Litfun7 then asked if the MCSO Deputy saw the "marital status" portion of his profile that read "married but looking". The MCSO Deputy asked if litfun7 was looking for a girlfriend and litfun7 replied that he was. Litfun7 then stated, "shame of the age difference." The MCSO Deputy told litfun7, "idc (I don't care) bout ages an stuf thats all." Litfun7 encouraged the MCSO Deputy to elaborate and to "just spit it out." When the MCSO Deputy did not continue, litfun7 typed "is ok,,,you'll tell me when your ready". At approximately 2054 hours, litfun7 told the MCSO Deputy that he was thinking about sex and when asked "wat kinda stuff" by the MCSO Deputy, litfun7 replied, "you want to learn and I'm not having any...lol". The MCSO Deputy told litfun7, "I wuld wana learn som stuf sumtim", and litfun7 replied, "when you think your ready." At approximately 2059 hours, litfun7 asked the MCSO Deputy, "what would you like to try first" and when the MCSO Deputy told litfun7 that the MCSO Deputy felt "dum" chatting about it, litfun7 replied, "that's why they call it learning." Litfun7 went on to ask if the MCSO Deputy has seen any "pics" (of sex) or if the MCSO Deputy had discussed it with girlfriends. When the MCSO Deputy replied with a positive response about seeing some "pics", litfun7 soon asked, "oral?" At approximately 2115 hours litfun7 made reference to putting a male's penis in

the MCSO Deputy's mouth. Litfun7 omitted the word for "penis", however, the meaning of the statement was clearly conveyed to the MCSO Deputy. Litfun7 stated that he "loved it" and then made reference at approximately 2116 hours to performing oral sex on a female by stating, "do the same to you." This chat ended at approximately 2121 hours.

17. On November 13, 2006 another chat dialogue took place during which litfun7 asked the MCSO Deputy for a back rub for his sore muscles. At approximately 1703 hours, litfun7 asked if the MCSO Deputy had any questions for him. This is understood in the context of this chat and previous chats to mean questions about sex. The MCSO Deputy told litfun7 that the MCSO Deputy felt funny asking questions and did not want to be a "pest". Litfun7 assured the MCSO Deputy that it was "fine" and encouraged the MCSO Deputy to ask. Litfun7 asked at approximately 1714 hours, "and you looking to learn" and "what do you want to learn first." Litfun7 asked at approximately 1717 hours, "would doing it help you to learn?" Litfun7 also asked at approximately 1732 hours, "so have you had your body touched by a guy?" The MCSO Deputy acknowledged this with a positive response. Litfun7 then asked if the male had "touched your breast" and "would you have let me go under your skirt?" At approximately 1746 hours, litfun7 asked the MCSO Deputy, "you want to learn" and followed with, "is it worng (wrong) for me to offer to teach you?" When the MCSO Deputy asked if litfun7 was serious about teaching the MCSO Deputy sex, litfun7 replied, "if your sure your ready." The MCSO Deputy told litfun7 that the MCSO Deputy was ready. Litfun7 repeated at approximately 1758 hours, "I'll teach you." Over the following ten minutes, litfun7 made such statements to the MCSO Deputy as "have you done stuff to yourself?", "did you cum?", "like to have oral done to you?", "make you come the first time

that way" and "yes...that's why it called teaching and learning". This chat ended at approximately 1816 hours. At approximately 1855 hours, litfun7 initiated a chat dialogue with the MCSO Deputy by typing "hi, you there?" The MCSO Deputy responded at approximately 1912 hours by typing "ru here?" Litfun7 asked the MCSO Deputy at approximately 1942 hours, "where (were) you gonna ask me to help you with learning ?" The MCSO Deputy responded' "...maybe I gess yea." Litfun7 made such statements to the MCSO Deputy as "...you think you could take your clothes off in front of me", "there's always anal", "would you like to suck my ----", and "...wheni cum...you going to swallow." Litfun7 went on to discuss masturbation with the MCSO Deputy at approximately 2050 hours. This chat ended at approximately 2057 hours.

18. On November 16, 2006 at approximately 1639 hours, litfun7 initiated a chat dialogue with the MCSO Deputy by typing "hi". At approximately 1716 hours the MCSO Deputy asked if litfun7 would like the MCSO Deputy to leave him alone to which litfun7 replied, "noooooooooooooo." The MCSO Deputy subsequently asked litfun7 what he was thinking about and litfun7 replied, "meet you." Litfun7 told the MCSO Deputy at approximately 1731 hours, "want you to tell me what you want to learn,,,,," Litfun7 encouraged the MCSO Deputy to tell him until the MCSO Deputy typed, "u kno sex stuff lol." Litfun7 immediately replied to this with, "that's good,,, don't be shy about it...trying to help you here." The MCSO Deputy asked litfun7 at approximately 1737 hours, "u wnt mind teachin me stuf rite?" to which he responded, "no,,,would like to very much." Litfun7 then referenced the MCSO Deputy's young age and told the MCSO Deputy, "this can never be talked about." At approximately 1744 hours litfun7 stated, "so now tell me what you want to learn,,,,," Litfun7 encouraged the MCSO Deputy to state specifically what kinds of activities the

MCSO Deputy was interested in learning and then asked at approximately 1748 hours, "can you ask me to fuck you." The MCSO Deputy did so upon litfun7's request. Litfun7 again encouraged the MCSO Deputy to say "fuck" at approximately 1752 hours and stated, "would love to be the first guy to fuck you." Litfun7 also chatted about oral sex. At approximately 1934 hours litfun7 stated that he was thinking about coming to Rochester around Thanksgiving time "just to meet." During the remainder of this chat, litfun7 discussed masturbation with the MCSO Deputy as well as meeting with the MCSO Deputy. The chat ended at approximately 2044 hours.

19. On November 17, 2006 at approximately 1601 hours, litfun7 initiated a chat with the MCSO Deputy. At approximately 1613 hours, litfun7 asked the MCSO Deputy to discuss a masturbation experience with him. Litfun7 encouraged the MCSO Deputy to use two fingers when masturbating in order to "...open you up,,,so when the time come,,wont hurt as much." Litfun7 told the MCSO Deputy that his penis is, "...very thick..." and that he "will have to use lube also." At approximately 1645 hours, litfun7 told the MCSO Deputy, "...I could go to jail right now it they found out what we have been chatting about." At approximately 1650 hours, the MCSO Deputy asked, "wat u thinkin bout?" Litfun7 replied, "what it going to feel like the first time inside you." Litfun7 went on to chat with the MCSO Deputy about making the MCSO Deputy cum, giving a "blowjob" (1707 hours), tasting his "cum" (1708 hours), "oral" (1720 hours), and the size of his penis (1724 hours). This chat ended at approximately 1758 hours.

20. On December 11, 2006, litfun7 again chatted with the MCSO Deputy. During this chat, litfun7 again used explicit

sexual language and indicated his intentions to have sex with the MCSO Deputy. Also during this chat, litfun7 indicated his intention of traveling to Rochester on December 13, 2006 to meet the MCSO Deputy. Litfun7 asked the MCSO Deputy if 3:00 p.m. would be suitable for meeting at the mall located in Greece, New York. The MCSO Deputy indicated that the time was suitable. Litfun7 told the MCSO Deputy that he would confirm that he could come to Rochester during a chat conversation on December 12, 2006.

21. The following are selected verbatim Yahoo Instant Messenger communications between the MCSO Deputy and litfun7 which were captured by the MCSO Deputy:

(A) The following chat conversations occurred on 11-13-2006

litfun7 (05:32:16 PM): so have you had your body touched by a guy
MCSO Deputy (05:32:23 PM): yea alil
litfun7 (05:32:34 PM): you like
MCSO Deputy (05:32:44 PM): hehe yea
MCSO Deputy (05:33:02 PM): it was kewl but then lik more peopl cam down an he stoped
litfun7 (05:33:26 PM): how did it make you feel
MCSO Deputy (05:33:35 PM): i likd it a lot
MCSO Deputy (05:33:45 PM): an he kisssd me
litfun7 (05:33:49 PM): touch your breast
MCSO Deputy (05:33:59 PM): yea jst lik ovr my shurt
litfun7 (05:34:17 PM): pinch them
MCSO Deputy (05:34:28 PM): hehe no he jst lik rubed an stuff
litfun7 (05:34:40 PM): ok, anything else
MCSO Deputy (05:35:04 PM): nooo he was kinda rubin all over an kisssd me but then he stoped real qik
litfun7 (05:35:56 PM): you head start spinning
...
MCSO Deputy (05:36:21 PM): yea i was real nervus but i likd it
litfun7 (05:36:44 PM): your you have let me go under your shirt
litfun7 (05:36:50 PM): would*
MCSO Deputy (05:37:00 PM): if peopl wernt ther?
litfun7 (05:37:17 PM): how about taking it off
MCSO Deputy (05:37:37 PM): lol i wulda mayb yea if ther wernt lik alota peopl round
litfun7 (05:37:47 PM): ok,,
MCSO Deputy (05:37:55 PM): yea i wulda
MCSO Deputy (05:37:59 PM): lol
litfun7 (05:38:03 PM): mmmmmmmmmmm
MCSO Deputy (05:38:06 PM): hehe
...
MCSO Deputy (05:57:25 PM): im 2shy cept wen im chatin
MCSO Deputy (05:57:26 PM): lol
litfun7 (05:57:47 PM): that explans alot,,,just take your time
MCSO Deputy (05:58:03 PM): k il try
litfun7 (05:58:26 PM): i'll teach you

MCSO Deputy (05:58:35 PM): i heard it kinda hurts thefirst tim
MCSO Deputy (05:58:38 PM): alil
litfun7 (05:58:57 PM): yes,,,and be sore for couple days
MCSO Deputy (05:59:22 PM): oh ifit does can we stop lik jst 4 alil
litfun7 (05:59:51 PM): sure you tell me when you ok
MCSO Deputy (06:00:01 PM): k u wuldnt get mad or anythin rite?
litfun7 (06:00:09 PM): no,,,

litfun7 (06:03:17 PM): me going down on you kissing and licking
MCSO Deputy (06:03:31 PM): hehe yea
MCSO Deputy (06:03:36 PM): it wuld b okay yea
litfun7 (06:03:56 PM): make you cum first time that way
MCSO Deputy (06:04:13 PM): wuld i cum ifu did that
litfun7 (06:04:25 PM): yes,
MCSO Deputy (06:04:31 PM): hehe kewl
MCSO Deputy (06:04:43 PM): i dnt kno if i everdid b4
litfun7 (06:04:43 PM): wont stop till you do

(B) The following chat conversations occurred on 11-24-2006

MCSO Deputy (05:35:26 PM): lol kewl
MCSO Deputy (05:35:29 PM): mmm
litfun7 (05:36:07 PM): love to be laying down with you on top
MCSO Deputy (05:36:22 PM): awww keepin u real warm
litfun7 (05:36:35 PM): making me hard...lol
MCSO Deputy (05:36:41 PM): lol mmmmmmm
MCSO Deputy (05:36:57 PM): good an i culd feel it an stuff
MCSO Deputy (05:36:59 PM): lol
litfun7 (05:37:16 PM): yes,,,and i could do same to you
MCSO Deputy (05:37:27 PM): mmmmmmmmm
litfun7 (05:37:47 PM): running my hands down your back to your cute ass
MCSO Deputy (05:38:09 PM): hehe that wuld b soooo good
MCSO Deputy (05:38:18 PM):
litfun7 (05:38:38 PM): gald you think so to
MCSO Deputy (05:39:02 PM): yeaaa unles ur hands r cold or sumthin lol
litfun7 (05:39:23 PM): lol,,,wont be cold
MCSO Deputy (05:39:29 PM): lol okay mmmmm
litfun7 (05:40:38 PM): like to spin you around with your legs beside my head
MCSO Deputy (05:40:50 PM): lol realy?
litfun7 (05:41:19 PM): start kiss and licking you
MCSO Deputy (05:41:32 PM): mmmmm i wuld b kissin u all over2
MCSO Deputy (05:41:36 PM): lol
litfun7 (05:42:08 PM): mmmmmmmmmmmmmmmmmmm, i hope so
MCSO Deputy (05:42:11 PM): but dont tikle my feet lol
litfun7 (05:42:20 PM): ok,,,
MCSO Deputy (05:42:27 PM): lol jk alil mayb
litfun7 (05:42:57 PM): will be with my tonuge so mite tickle a lot
MCSO Deputy (05:43:18 PM): lol idc
litfun7 (05:43:58 PM): good
MCSO Deputy (05:44:29 PM): an i wuld rub all over ur legs an stuf">
litfun7 (05:45:03 PM): would you now
MCSO Deputy (05:45:12 PM): lol yeaaa
litfun7 (05:47:26 PM): mmmmmmm and what else
MCSO Deputy (05:47:36 PM): idk wat els u wana do

litfun7 (05:48:11 PM): make love to you alnight
MCSO Deputy (05:48:21 PM): awww ur soo sweet
MCSO Deputy (05:48:36 PM): i wuld lov that soo much
litfun7 (05:49:15 PM): no that will have to take it slow,,,,,,but want you to love sex
as much as i do...

litfun7 (05:03:59 PM): what it's like to have your nipples sucked
MCSO Deputy (05:04:09 PM): mmmmm

MCSO Deputy (05:04:17 PM): i bet it tikles alil
 litfun7 (05:04:22 PM): kissing my way down your body
 MCSO Deputy (05:04:34 PM): my bely an stuf?
 MCSO Deputy (05:04:37 PM): lol
 litfun7 (05:04:42 PM): yes,
 MCSO Deputy (05:04:48 PM): mmmmm
 litfun7 (05:05:41 PM): hold you up by your ass...hands underyou..looking in your eyes
 as i start to lick you
 MCSO Deputy (05:05:58 PM): awww thats sweet
 MCSO Deputy (05:06:02 PM): mmm
 litfun7 (05:06:17 PM): not stopping till you cum
 MCSO Deputy (05:06:27 PM): i wana sooo bad
 MCSO Deputy (05:06:34 PM): lik a lot
 litfun7 (05:07:04 PM): mmmmm,,,ok maybe i wont stop than....
 MCSO Deputy (05:07:20 PM): lol nooo dnt stop
 MCSO Deputy (05:07:35 PM): omg that wuld b mean lol
 litfun7 (05:07:52 PM): mmmmmmm...just alittle tease
 MCSO Deputy (05:08:00 PM): lol ur messin wit me
 litfun7 (05:08:06 PM): no,,, ,
 MCSO Deputy (05:08:17 PM):
 litfun7 (05:08:26 PM): want you to beg me to do it to you
 MCSO Deputy (05:08:33 PM): lol really?
 MCSO Deputy (05:08:45 PM): u dnt wana?
 litfun7 (05:09:10 PM): oh i do,,,but love the here you ask for it

litfun7 (07:47:57 PM): is ok to be slutty in bed room just dont become a slut in life
 MCSO Deputy (07:48:17 PM): lik how
 litfun7 (07:48:37 PM): what do you mean
 MCSO Deputy (07:48:57 PM): lik how wuld i b
 litfun7 (07:49:10 PM): in bedroom?
 MCSO Deputy (07:49:12 PM): yea
 MCSO Deputy (07:49:32 PM): i wuld def nevr b in life or anythin
 litfun7 (07:50:02 PM): tell me you wan tme to cum on your face,,,stuff like that
 MCSO Deputy (07:50:30 PM): really u wuldnt think bad things bout me or anythin if i
 did
 litfun7 (07:50:54 PM): no,,,i'm going to do same to you
 MCSO Deputy (07:51:23 PM): lol kewl i wana
 litfun7 (07:51:45 PM): mmmmmmmmmmm
 MCSO Deputy (07:52:00 PM): i dnt kno lik evrythin i shuld say i gess
 MCSO Deputy (07:52:08 PM): lik watkinda stuf
 litfun7 (07:52:26 PM): stuuf to you??
 litfun7 (07:52:32 PM): stuff*
 MCSO Deputy (07:52:40 PM): noo lik wat kinda stuf ud like
 litfun7 (07:53:10 PM): going down on you after sex...
 litfun7 (07:53:15 PM): you sitting on my face
 MCSO Deputy (07:53:20 PM): mmmmm
 MCSO Deputy (07:53:37 PM): ur makin me kinda tingly lol

litfun7 (08:00:39 PM): lick ever inch on your body,,,both pussy and ass
 MCSO Deputy (08:01:12 PM): mmmmm i wana tuoch ur d lol
 MCSO Deputy (08:01:23 PM): omg im soo tingly
 MCSO Deputy (08:01:25 PM): lol
 litfun7 (08:01:40 PM): nipple hard too
 MCSO Deputy (08:01:45 PM): lol yeaaa
 MCSO Deputy (08:01:49 PM): a lot
 litfun7 (08:02:11 PM): go ahead and pinch then litlly
 MCSO Deputy (08:02:17 PM): lol k
 MCSO Deputy (08:02:25 PM): mmmmm
 litfun7 (08:02:34 PM): feel good
 MCSO Deputy (08:02:49 PM): lol yeaa thy tikle alil
 MCSO Deputy (08:02:53 PM): they
 litfun7 (08:03:06 PM): your pussy getting wet
 MCSO Deputy (08:03:23 PM): yea it was b4 lol
 MCSO Deputy (08:04:08 PM): its real wet now">

MCSO Deputy (08:04:15 PM): lol
 litfun7 (08:04:25 PM): mmmmm,,better to lick
 MCSO Deputy (08:04:33 PM): mmmmm
 MCSO Deputy (08:05:01 PM): i wuld lov it lol
 litfun7 (08:05:38 PM): mmmmm...make you cum over and over
 MCSO Deputy (08:05:58 PM): lol i wana soo bad lik real hard an stuf
 MCSO Deputy (08:06:00 PM): mmmmm
 litfun7 (08:06:26 PM): yes,,,them you'll wan tot fuck some more
 MCSO Deputy (08:06:51 PM): omg il proly wana a lot lol
 litfun7 (08:07:50 PM): i can last very long time after first time i cum,,,just need to rest up aliittle between
 MCSO Deputy (08:08:12 PM): lol an if i get sor alil mayb
 litfun7 (08:08:39 PM): yes,,,will stop..dont want to hurt you
 MCSO Deputy (08:09:05 PM): ty i kno u wuldnt

(C) The following chat conversations occurred on 11-27-2006

litfun7 (11/27/2006 4:29:55 PM): yes,,as cold water run down the crack of your ass
 MCSO Deputy (11/27/2006 4:30:04 PM): lol
 MCSO Deputy (11/27/2006 4:30:14 PM): omg i wuld proly freeez
 litfun7 (11/27/2006 4:30:22 PM): have mouth full for your nipples
 MCSO Deputy (11/27/2006 4:30:28 PM): lol mmmmm
 MCSO Deputy (11/27/2006 4:30:38 PM): i wana try that lol
 ...
 MCSO Deputy (11/27/2006 4:37:37 PM): i got som of my moms oil lol
 litfun7 (11/27/2006 4:38:14 PM): mmmmm...how was it
 MCSO Deputy (11/27/2006 4:38:30 PM): lol i likd it a lot mmmmm cept its kinda messy
 MCSO Deputy (11/27/2006 4:38:41 PM): i likd it bettr
 MCSO Deputy (11/27/2006 4:38:45 PM):
 litfun7 (11/27/2006 4:38:56 PM): used little to much is all
 MCSO Deputy (11/27/2006 4:39:12 PM): i think proly yea lol
 litfun7 (11/27/2006 4:39:28 PM): was nice a slippery thou
 MCSO Deputy (11/27/2006 4:39:43 PM): omg yea
 litfun7 (11/27/2006 4:40:18 PM): with you like that and me also,,,souldnt hurt at all
 MCSO Deputy (11/27/2006 4:40:39 PM): yea i thnk itl proly b bettr lik that2
 MCSO Deputy (11/27/2006 4:40:44 PM): mmmmm
 litfun7 (11/27/2006 4:41:12 PM): only thing wrong with it is.i'll cum to quick
 MCSO Deputy (11/27/2006 4:41:29 PM): lol idc we can doit mor
 MCSO Deputy (11/27/2006 4:41:47 PM): an mayb i wil2 lol
 litfun7 (11/27/2006 4:41:56 PM): and mite go to fast for you
 MCSO Deputy (11/27/2006 4:42:09 PM): oh
 MCSO Deputy (11/27/2006 4:42:24 PM): lol k
 litfun7 (11/27/2006 4:42:34 PM): good,,want you to cum like crazy
 MCSO Deputy (11/27/2006 4:42:45 PM): lol omg meeee2
 litfun7 (11/27/2006 4:43:03 PM): yes,,,again and again
 MCSO Deputy (11/27/2006 4:43:21 PM): lol that wuld b sooo kewl if i did a lot
 MCSO Deputy (11/27/2006 4:43:25 PM): an u did2
 litfun7 (11/27/2006 4:43:53 PM): what cum
 MCSO Deputy (11/27/2006 4:44:02 PM): yeaaa a lot
 litfun7 (11/27/2006 4:44:18 PM): i'm sure you will
 MCSO Deputy (11/27/2006 4:44:25 PM):
 litfun7 (11/27/2006 4:44:59 PM): my little thing,,,making my partner cum as may time as she can handle
 MCSO Deputy (11/27/2006 4:45:23 PM): lol kewlll i wana mak u alot2
 litfun7 (11/27/2006 4:45:40 PM): mmmmmmmmm
 MCSO Deputy (11/27/2006 4:45:45 PM): lol mmmmmmm
 MCSO Deputy (11/27/2006 4:45:52 PM): us
 litfun7 (11/27/2006 4:46:04 PM): you know it
 ...
 litfun7 (11/26/2006 3:27:15 AM): miss you so much today,,,not sure if this is right,but
 cant stay away,,,love you to much GOD...this hurts.....want you so bad...not just

sex,,,

but love you to be me mt own.....hope you understand

litfun7 (11/27/2006 7:47:55 PM): just trying to fiugre out how to meet up...time and place
 litfun7 (11/27/2006 7:48:07 PM): or if i can even make it that day
 MCSO Deputy (11/27/2006 7:48:34 PM): oh i can go2 the mall aftr skewl i can wait ther
 litfun7 (11/27/2006 7:49:16 PM): yes,,but dont want you to if i cant make it...waste your time and get mad at me for not showing
 MCSO Deputy (11/27/2006 7:49:37 PM): oh u cant com mayb?
 litfun7 (11/27/2006 7:50:16 PM): yes,,,will be in pittsburg on thur,,,not sure if i'll get done and up there in time
 MCSO Deputy (11/27/2006 7:50:25 PM): oh
 litfun7 (11/27/2006 7:51:03 PM): maybe we should wait till following week when i can plan to be in rochester
 MCSO Deputy (11/27/2006 7:51:20 PM): i gess if u wana
 litfun7 (11/27/2006 7:51:46 PM): dont want to be will be easier on both of us
 MCSO Deputy (11/27/2006 7:52:02 PM): i gess k
 litfun7 (11/27/2006 7:52:18 PM):
 MCSO Deputy (11/27/2006 7:52:25 PM):
 litfun7 (11/27/2006 7:52:52 PM): you do know that this is nuts...lol
 MCSO Deputy (11/27/2006 7:52:59 PM): wat
 litfun7 (11/27/2006 7:53:31 PM): you and me,,,the age thing again sorry
 MCSO Deputy (11/27/2006 7:53:44 PM): oh idk
 MCSO Deputy (11/27/2006 7:53:50 PM): sry
 ...

MCSO Deputy (11/27/2006 8:07:46 PM): wen will u kno if u can com
 litfun7 (11/27/2006 8:08:14 PM): thur,,,thats why i asked if you could call
 MCSO Deputy (11/27/2006 8:08:36 PM): idk i can try2 can u chat wen u com home
 litfun7 (11/27/2006 8:09:03 PM): when friday
 MCSO Deputy (11/27/2006 8:09:14 PM): no thrsday wen ur hom
 litfun7 (11/27/2006 8:09:43 PM): thats just it not sure yet if i'll get home on thur
 MCSO Deputy (11/27/2006 8:09:51 PM): oh k
 litfun7 (11/27/2006 8:10:16 PM): lets wait till next week..give time to do it right
 MCSO Deputy (11/27/2006 8:10:27 PM): i gess k
 litfun7 (11/27/2006 8:11:18 PM): you'll see,,,will be much better,,,,i know have to wait longer,,,me too
 MCSO Deputy (11/27/2006 8:11:31 PM): okay
 MCSO Deputy (11/27/2006 8:12:12 PM): i wana go look at cloths an 4 a new hat so mayb il go anywy
 MCSO Deputy (11/27/2006 8:12:28 PM): jst 2 walk round an stuff
 litfun7 (11/27/2006 8:12:49 PM): ok,,,what time will you be there
 MCSO Deputy (11/27/2006 8:13:13 PM): idk il proly skip d block so like aftr that
 litfun7 (11/27/2006 8:13:37 PM): till when
 MCSO Deputy (11/27/2006 8:14:05 PM): idk proly 4 lik a hour or sumthin i gess
 MCSO Deputy (11/27/2006 8:14:15 PM): an i wana get a turtle lol
 litfun7 (11/27/2006 8:15:25 PM): mmmmm,,,wait till four..if i'm not there go without me
 MCSO Deputy (11/27/2006 8:15:49 PM): u dnt havta its okay i dnt wantu 2 get in troubl at werk or anythin
 MCSO Deputy (11/27/2006 8:16:02 PM): i jst wana go ther i gess
 litfun7 (11/27/2006 8:16:29 PM): not making any promise...but lets see what happens

(D) The following chat conversations occurred on 12-11-2006

litfun7 (12/11/2006 7:11:44 PM): want to feel you under me as i'm inside you...kissing youas we go along
 MCSO Deputy (12/11/2006 7:12:12 PM): mmmmm i wana feel wat its lik insid
 MCSO Deputy (12/11/2006 7:12:16 PM):
 litfun7 (12/11/2006 7:12:43 PM): hope it does hurt you to much...
 MCSO Deputy (12/11/2006 7:12:58 PM): me2 it proly wont if we try kinda slow
 litfun7 (12/11/2006 7:13:44 PM): will wait for you to tell me to go faster

MCSO Deputy (12/11/2006 7:14:03 PM): lol k if it doesnt hurt a lot we can do it real fast mmm

litfun7 (12/11/2006 7:14:36 PM): mmmmmmm...if your ready for it sure

MCSO Deputy (12/11/2006 7:14:48 PM): lol okay yeaaa

litfun7 (12/11/2006 7:15:24 PM): or maybe we should switch position...you on top so you can control

MCSO Deputy (12/11/2006 7:15:49 PM): idk wats bettr we can try lik that2 prolly

litfun7 (12/11/2006 7:17:04 PM): first time you on top so i dont go to fast and deep...after that...if you like can go doggie....real fast and hard

MCSO Deputy (12/11/2006 7:17:35 PM): lol doggie is prolly real fun

MCSO Deputy (12/11/2006 7:17:50 PM): i saw a pic lik that

litfun7 (12/11/2006 7:17:54 PM): have you cumming all night that way

...

litfun7 (12/11/2006 7:43:35 PM): want to feel you cum for first time

MCSO Deputy (12/11/2006 7:43:49 PM): omg i wana2

MCSO Deputy (12/11/2006 7:44:10 PM): an i kno u wnt go round tellin peopl im sluty or sumthin

litfun7 (12/11/2006 7:44:33 PM): nope...just between you and me

MCSO Deputy (12/11/2006 7:44:51 PM): yea an i wana learn stuf

litfun7 (12/11/2006 7:45:10 PM): i want teach you

...

litfun7 (12/11/2006 7:48:53 PM): mmmmm will only be for turtle and meet on wed.

litfun7 (12/11/2006 7:49:10 PM): if i can

MCSO Deputy (12/11/2006 7:49:11 PM): how com

litfun7 (12/11/2006 7:49:45 PM): oh,,,

litfun7 (12/11/2006 7:49:52 PM): you want to do it

MCSO Deputy (12/11/2006 7:50:00 PM): u dnt wana

litfun7 (12/11/2006 7:50:17 PM): yes,,but like to meet and get to know you to

litfun7 (12/11/2006 7:50:34 PM): dont want this to be just about sex

...

litfun7 (12/11/2006 7:51:41 PM): there are plenty of motels close

MCSO Deputy (12/11/2006 7:51:49 PM): idk i thnk yea

litfun7 (12/11/2006 7:52:01 PM): i seen them..there are

...

litfun7 (12/11/2006 8:09:17 PM): going to cum in you...you ok with that

MCSO Deputy (12/11/2006 8:09:48 PM): i wana but im jst kinda scared bout bein pregnate

MCSO Deputy (12/11/2006 8:10:05 PM): but i def wana try

litfun7 (12/11/2006 8:10:41 PM): will pull out till you get on something

...

litfun7 (12/11/2006 8:34:16 PM): hoping you'll like me

MCSO Deputy (12/11/2006 8:34:27 PM): omg i def will y u say that

MCSO Deputy (12/11/2006 8:34:32 PM): i dooo a lot

litfun7 (12/11/2006 8:34:58 PM): enough to give me your virginty

22. On November 7, 2006 at approximately 2110 hours, the MCSO Deputy was able to identify an Internet Protocol (IP) address associated with litfun7's internet connection. The IP address in question was 172.144.152.103. Through subsequent investigation, it was learned that the IP address resolves back to America Online (AOL). On November 8, 2006, a subpoena was served on AOL for subscriber information and connection information associated with the identified IP addresses. AOL responded to the subpoena and provided the following information:

Name: Donald Lemond
Street: 157 Kibbie Lake Road
City: Constantia
Evening phone: 315-623-7178
Daytime phone: 315-623-7178
Service: AOL
Billing Method: Credit Card
CC Name: Donald R Lemond

23. Based upon the information AOL provided, a check of the New York State Department of Motor Vehicles (NYS DMV) records was conducted. The check revealed an individual possessing a NYS drivers license with the following identifying information:

Name: Donald R. Lemond
DOB: xx/xx/1957
Height: 5'10"
Eyes: Brown
Address: 157 Kibbie Lake Road, Constantia, NY, 13044


24. In addition to the above identifying data, the NYS DMV check also revealed that Donald R. Lemond also has a snowmobile and boat trailer registered to him at 157 Kibbie Lake Road, Constantia, NY, 13044.

25. A NYS DMV photograph of Donald R. Lemond was also obtain via subpoena. The MCSO Deputy identified the photograph as being the same individual appearing on the profile page for litfun7.

26. Throughout the aforementioned chat conversations, litfun7 made numerous references to his home in Syracuse, NY. Litfun7 also stated his birth date and that he is 5'10" tall. Litfun7 also spoke about a snowmobile and fishing boat that he owns. These statements are directly corroborated with the information obtained from the NYS DMV records checks. It is also

corroborated with the information obtained from the NYS DMV records checks. It is also recognized that the name and address information supplied by AOL further corroborates that Donald R. Lemond used the screen name litfun7 to entice/coerce what he believed to be a 14 year old female into having a sexual relationship. These communications were facilitated via the Internet and Yahoo Instant Messaging. Litfun7's communications were identified as passing through AOL servers located in Northern Virginia, causing the communications to travel interstate.


27. In addition to the aforementioned information AOL provided when they responded to the subpoena, AOL was also able to identify the telephone number 315-623-7178, as the telephone number that was used to dial in from in order to establish an Internet connection on the prescribed date and time. AOL has the same telephone number on file as belonging to Donald R. Lemond, residing at 157 Kibbie Lake Road, Constantia, NY, 13044. A reverse look-up on the aforementioned telephone number, along with numerous database checks, show that the telephone number is registered to Donald Lemond of 157 Kibbie Lake Road, Constantia, NY, 13044. On multiple occasions throughout that chats, litfun7 states that he is at his residence while the chats are taking place. Based upon this information, there is probably² cause to believe that Donald Lemond used a computer within the residence of 157 Kibbie Lake Road, Constantia, NY, 13044 in order to dial into AOL servers in Northern Virginia for the purposes of establishing an Internet connection and communicating with the MCSO Deputy.

A handwritten signature, possibly "JMA", is written over a circular stamp. The stamp contains the text "mup" and "12/13/06".

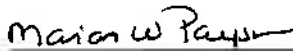
28. On December 13, 2006, at approximately 3:00 p.m., Donald LeMond appeared in a shopping mall in the Town of Greece, New

York. Once inside the mall, Donald Lemond approached a female and verbally asked whether she was "Karley", the name used by the undercover Sheriff's Deputy previously referenced herein. LeMond was then arrested by members of the FBI and the Monroe County Sheriff's Office.

29. Based on the foregoing, there is probable cause to believe that Donald Lemond used the screen name litfun7 and violated Title 18, United States Code, Section 2422(b), which prohibits a person from utilizing a facility or means of interstate or foreign commerce to persuade, induce or entice a minor to engage in any sexual activity for which any person can be charged with a crime, or to attempt to do so, and it is respectfully requested that the Court issue a criminal complaint against Donald Lemond.


Joseph M. McArdle
Special Agent
Federal Bureau of Investigation

Sworn to before me this
13 day of December, 2006


MARIAN W. PAYSON
United States Magistrate Judge